

for

DISTRICT OF OREGON

PETITION AND ORDER
FOR MODIFICATION OF
CONDITIONS OF
SUPERVISED RELEASE

U.S.A. vs. RICHARD DETWILER

Docket No. CR 03-372-01-PA

Petition on Probation and Supervised Release

COMES NOW JOHN SIEBENALER, PROBATION OFFICER OF THE COURT, presenting an official report upon the conduct and attitude of Richard Detwiler, who was placed on supervision by The Honorable Owen M. Panner sitting in the court at Portland, Oregon, on the 1st day of November, 2004, who fixed the period of supervision at five years,* and imposed the general terms and conditions theretofore adopted by the court.

*Term of supervised commenced on April 21, 2006.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

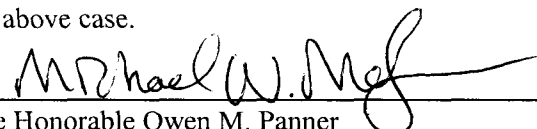
(If short insert here; if lengthy write on separate sheet and attach)

Defendant is on supervision for Interstate Travel With Intent to Engage in Sex With a Minor. The instant offense involved defendant's use of the Internet to facilitate a sexual encounter with an individual he believed was a 13-year old girl. The "teenager" was an undercover law enforcement agent. Defendant has been offered employment to work in the real estate field. Employment would be out of his home and would require the use of his personal computer and Internet. Given the nature of the instant offense, I have approved Internet access for employment on the condition that defendant allow the probation officer to install computer software to monitor his Internet activity. Defendant has agreed to the installation of computer monitoring software on his computer and has signed the attached waiver of hearing form.


PRAYING THAT THE COURT WILL ORDER upon consideration of factors set forth in 18 USC § 3553(a), that 1) Defendant shall participate in the U.S. Probation Office's Computer Monitoring Program. Participation in the Program may include installation of software or hardware on the defendant's computer that allows random or regular monitoring of the defendant's computer use; periodic inspection of defendant's computer (including retrieval, copying, and review of its electronic contents) to determine defendant's compliance with the Program; and restriction of the defendant's computer use to those computers, software programs, and electronic services approved by the U.S. Probation Officer; 2) The defendant shall provide the U.S. Probation Officer with truthful and complete information regarding all computer hardware, software, electronic services, and data storage media to which the defendant has access; and 3) The defendant shall submit to a search of his/her computer (including any handheld computing device, any electronic device capable of connecting to any on-line service, or any data storage media) conducted by a U.S. Probation Officer, at a reasonable time and in a reasonable manner, based upon reasonable suspicion of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn all individuals that have access to defendant's computer that it is subject to search and/or seizure.

ORDER OF THE COURT

Considered and ordered this 21st day of December, 2006, and ordered filed and made a part of the records in the above case.


The Honorable Owen M. Panner
Senior U.S. District Judge

Respectfully,


John Siebenaler
Senior U.S. Probation Officer

Place: Portland, Oregon

Date: December 19, 2006

**United States District Court
District of Oregon**

**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modifications of my Conditions of Probation and Supervised Release.

The defendant shall participate in the U.S. Probation Office's Computer Monitoring Program. Participation in the Program may include installation of software or hardware on the defendant's computer that allows random or regular monitoring of the defendant's computer use; periodic inspection of defendant's computer (including retrieval, copying, and review of its electronic contents) to determine defendant's compliance with the Program; and restriction of the defendant's computer use to those computers, software programs, and electronic services approved by the U.S. Probation Officer.

The defendant shall provide the U.S. Probation Officer with truthful and complete information regarding all computer hardware, software, electronic services, and data storage media to which the defendant has access.

The defendant shall submit to a search of his/her computer (including any handheld computing device, any electronic device capable of connecting to any on-line service, or any data storage media) conducted by a U.S. Probation Officer, at a reasonable time and in a reasonable manner, based upon reasonable suspicion of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn all individuals that have access to defendant's computer that it is subject to search and/or seizure.

Witness: _____

U.S. Probation Officer

Signed: _____

Probationer or Supervised Releasee

Date: _____

12-06-06